

March 8, 2004

WASHINGTON STATE LABOR COUNCIL  
ATTN: DIANE MCDANIEL  
314 FIRST AVENUE WEST  
SEATTLE WA 98119

Subject: Complaint filed against Independent Business Association - PDC Case No. 04-306

Dear Ms. McDaniel:

The Public Disclosure Commission staff has completed its investigation of your complaint received October 28, 2003, alleging that the Independent Business Association (IBA) violated RCW 42.17 by making in-kind contributions to a statewide initiative committee that were not reported.

Your complaint was reviewed in light of the following statute:

**RCW 42.17.170** requires lobbyists registered with the PDC to file frequent and detailed reports of lobbying activities, including monetary and in-kind contributions made to candidates, political party organizations, and political committees, including statewide initiative committees.

You alleged that the IBA violated RCW 42.17 by making in-kind contributions to Workers Against Job Killing Rules (WAJKR), a political committee supporting Initiative 841, without reporting those contributions.

We found that:

- The IBA is a lobbyist employer, and that Gary Smith, Executive Director for the IBA, is their registered lobbyist.
- Mr. Smith stated that he was not a principal decision maker or involved in any leadership role for WAJKR. He stated that he did not know he had been listed as a "press contact" on the Yes841.com website until he received a copy of the complaint. He said he received no press contacts as a result of being listed on the website.

- Mr. Smith said he attended discussions regarding Initiative 841 that were sponsored by the Seattle Chamber of Commerce, but said his attendance was the result of his contact with the Chamber of Commerce.
- Mr. Smith said a number of IBA members were also members of the Seattle Chamber of Commerce. Mr. Smith said he attended the meeting as a member of IBA, and not because of WAJKR. Mr. Smith also provided a copy of the 2003 General Election Voters Pamphlet, in which he noted that neither the IBA, nor his name appeared as a supporter of I-841.

No evidence was provided by you, nor was any evidence found during the course of our investigation substantiating the allegation that the IBA or Gary Smith received “press contacts” related to WAJKR, and failed to report those activities.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Independent Business Association.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Gary Smith, IBA